

U.S. Application No. 10/766,823

REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-22 remain pending.

The Applicants' representative requests a telephone call at the number below, when the Examiner has received this Reply to schedule an interview at a mutually convenient time before the Examiner has taken the Reply up for examination and further action.

Claims 1 and 11 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons set forth on page 3 of the Office Action. The claims have been amended to address the Examiner's concerns.

Claims 1, 4-5, 11, 14-15 and 21-22 were rejected under 35 U.S.C. §102(e) as being anticipated by McBrearty et al., U.S. Patent No. 6,820,180 (McBrearty). The Applicants respectfully traverse, noting that McBrearty fails to disclose virtual drives or plural controllers for controlling virtual drives. Indeed, McBrearty does not appear to be directed to a storage system in which virtual volumes are created with regard to plural disk drives at all. More specifically, McBrearty does not appear to disclose or fairly suggest virtualization as disclosed and claimed in the present application, wherein a virtual secondary volume related to a primary volume is created in a first storage control unit, although the real secondary volume is present in a second storage control unit that communicates with the first storage control unit.

For clarity, the independent claims have been amended to more clearly distinguish virtual volumes from logical volumes in the sense disclosed in the present

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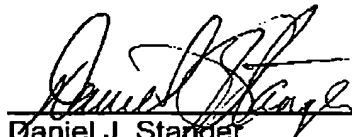
application. The Applicants refer the Examiner to the present specification at pages 18-19 for a discussion of the relationship between storage control units 20A and 20B, which is an example of the storage system scheme to which the present claims are directed.

It is hoped that any further amendments that are required to place the application in condition for allowance can be decided upon during the interview requested above. Upon agreement of any such amendments, the rejection noted above, together with the rejections under 35 U.S.C. §103(a) as that rely on McBrearty will be rendered moot. In any event, the Applicants earnestly submit that any rejection relying on McBrearty for the reasons set forth in the Office Action should be withdrawn in view of the foregoing amendments and remarks.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. ASA-1162).

Respectfully submitted,

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